

1 W. George Wailes, Esq. (Bar No. 100435)
2 Jeremy A. Burns, Esq. (Bar No. 239917)
3 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
4 Professional Law Corporation
5 216 Park Road
6 P.O. Box 513
7 Burlingame, California 94011-0513
8 Telephone: (650) 342-9600
9 Facsimile: (650) 342-7685

10 Attorneys for Plaintiff and Counter-Defendant
11 Eagle Bag Corp.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 EAGLE BAG CORP., a California
16 corporation,

17 Plaintiff,

18 vs.

19 SMITH SEED SERVICES, an Oregon
20 entity, and DOES 1 through 20, inclusive,

21 Defendants.

22 AND RELATED COUNTER-CLAIMS.

No. 3:06-CV-02470-WHA

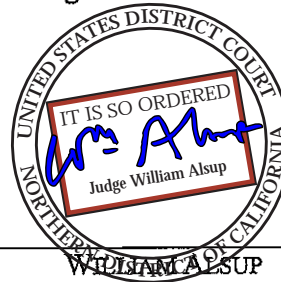
~~PROPOSED~~ ORDER DISMISSING
COMPLAINT AND COUNTER-CLAIMS
WITH PREJUDICE

Action Filed: April 4, 2006

23 ORDER

24 IT IS ORDERED that the Complaint of Eagle Bag Corp. and the Cross-Complaint of
25 Smith Seed Services are DISMISSED WITH PREJUDICE. All pending Court appearances
26 concerning this case, including the May 8, 2008 Case Management Conference, are taken off
27 calendar.

28 Dated: April 21, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I declare that I am employed in the County of San Mateo, California. I am over the age of eighteen (18) years and not a party to this action. My business address is 216 Park Road, P.O. Box 513, Burlingame, California 94011-0513.

I certify that the original papers filed with the Court and all copies of papers, documents, and exhibits, whether filed with the Court or served on other parties, are prepared on recycled paper.

I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service and know that this correspondence would be deposited with the United States Postal Service this day in the ordinary course of business.

On April 18, 2008, I served the attached:

• [PROPOSED] ORDER DISMISSING COMPLAINT AND COUNTER-CLAIMS WITH PREJUDICE

by placing a true copy thereof in a sealed envelope and placing this envelope for collection and mailing this date following the ordinary business practices of Carr, McClellan, Ingersoll, Thompson & Horn for deposit of correspondence in the United States Postal Service, addressed as follows:

Robert C. Phelps, Esq.
Pillsbury Winthrop LLP
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

Bruce McDiarmid, Esq.
Pillsbury Winthrop Shaw Pittman LLP
Post Office Box 7880
San Francisco, CA 94120

Executed on April 18, 2008, at Burlingame, California. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.


Lori Stumpf